



## **Expenses and allowances payable to parties and witnesses attending an Employment Tribunal**

**Note:** expenses and allowances can only be claimed where attendance relates to an employment tribunal claim made on or before 5 April 2012.

### **Introduction**

You may be able to claim certain expenses and allowances for attending an Employment Tribunal hearing. All claims should be made as soon as possible after the conclusion of the hearing. This document provides guidance on what you may claim.

Please note that professional representatives are not allowed to claim unless they are on the staff of a Citizen's Advice Bureau or acting for the Free Representation Unit or Bar Pro Bono Unit.

Payment of expenses and allowances is subject to certain conditions and limits. These limits may change periodically. If you are in any doubt as to what you may claim please contact the tribunal office for help. The claim form you will need is available from the tribunal office.

## What can I claim?

You may be able to claim:

Item	Conditions
<p>Your <b>travel costs</b> in excess of £5</p> <p><b>Note:</b> The first £5 of travel expenses will only be reimbursed when the Tribunal has issued an order requesting your attendance</p>	<p>Our policy is that, wherever possible, public transport is the normal method of transport. We pay standard class public transport fares. If you travel by car or motorcycle we will pay a mileage rate of <b>15p</b> per mile. The Tribunal will not pay car park fees, toll fees or congestion charges. Taxi fares, even for short distances, will be paid only in exceptional circumstances, which must be stated with the claim and on provision of a receipt. Where long taxi journeys and substitutes for public transport options are proposed you must obtain PRIOR WRITTEN APPROVAL from the Regional Secretary of the tribunal office where the case is to be heard. A copy of the approval letter along with a valid receipt must accompany your claim. Necessary air travel may also be reimbursed but reimbursement will be limited to tourist or standard class fares and you must seek the approval of the tribunal office before travelling.</p> <p>Repayment of travel expenses is normally limited to travel within the UK and the Republic of Ireland. We may, exceptionally, pay travel from overseas but only with our prior approval. If you are intending to travel to the hearing from overseas please contact the tribunal office to obtain approval <b>before</b> the hearing takes place.</p>
<p><b>Overnight expenses</b> where an overnight stay is essential</p>	<p>We can pay actual expenses for dinner, bed and breakfast up to a limit of <b>£81 per night</b> (inner London) or <b>£71 per night</b> (elsewhere) where an overnight stay is essential. You must provide receipts. If you stay with friends or relatives you may claim an allowance of <b>£21 per night</b>. <b>If you believe an overnight stay is essential please contact the tribunal office who will, if they agree with the requirement, confirm their approval in writing.</b></p>

<b>Repayment for loss of earnings</b>	<p>If you lose pay as a result of attending the hearing, we can repay your loss up to a limit of <b>£45</b> per day. If you are employed we will need your employer to certify that you were not paid for the day(s) in question. If you are self-employed, you must provide a written declaration showing that work could not be deferred or advanced, the amount of income lost (with, where possible, a copy invoice for recent work) and the work which could not be carried out and for whom. The tribunal office can provide a declaration form.</p> <p>You are not entitled to any loss of earnings allowance if you took paid holiday or special leave with pay to attend the hearing.</p>
Registered child or adult care expenses	<p>If you need to engage a registered child carer or adult carer in order to attend the hearing, we can repay your costs up to <b>£5.35</b> per hour, per child or adult.</p> <p>We require an invoice or receipt as proof of the expenditure. We will not pay child or adult care expenses for any period covered by a claim for loss of earnings.</p>
<b>Helpers' expenses</b> if you need to be accompanied because of a medical condition	<p>Friends or relatives may claim the same travel and other expenses as you (but not a fee), subject to the same conditions. If you need professional assistance, e.g. through an agency, we will pay reasonable costs on production of a receipt.</p>
<b>Language Interpreters' costs</b> if you need an interpreter to enable you to follow proceedings	<p>If you need a professional interpreter, please notify the tribunal office dealing with your case who will make arrangements for an interpreter to be engaged. If you want a friend or relative to act as an interpreter, you will need the Employment Judge's permission in advance of the hearing. Friends or relatives may claim the same travel and other expenses as you (but are not eligible to claim for their interpreting service).</p>
Interpreters for deaf or hard of hearing people	<p>Please ask our staff for a copy of our leaflet 'Guidance for tribunal users who are deaf or hard of hearing', which is also available on our website at <a href="http://www.justice.gov.uk">www.justice.gov.uk</a></p>
<b>Medical expenses</b>	<p>If an Employment Judge orders the production of essential medical reports or evidence, repayment will be made in line with indicative HMCTS rates. You should check these rates with our staff before you incur costs as a guide to what is reasonable. Our staff will show you the rates on request.</p>

## **When are expenses not payable?**

A Tribunal has power to make an award of costs against a party where it is of the opinion that the party has acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably. In such cases, the Tribunal may also effectively disallow the payment of any expenses, in whole or in part, to you and order the recovery from you of any expenses paid to your witnesses.

## **How is payment made?**

Payment will normally be made directly into your bank or Building Society because this is a fast and secure arrangement. If you do not have a bank account payment will be made by Payable Order.

We aim to make payment as quickly as possible. This will normally be made within 2–3 weeks of your claim. Where payment is made direct to your bank or Building Society you will receive written confirmation of this.